

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JOSE BAUTA,

Docket No: 14-3725 (FB) (RER)

Plaintiff,

**PLAINTIFF’S REQUESTS  
FOR CHARGE AND JURY  
INSTRUCTIONS**

-against-

GREYHOUND LINES INC., SABRINA ANDERSON,  
AKOS GUBICA, KAROLY GUBICA, and  
CAV ENTERPRISE LLC,

Defendants.  
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**PLAINTIFF’S REQUESTS FOR CHARGE AND JURY INSTRUCTIONS**

Plaintiff, JOSE BAUTA (“Plaintiff”) hereby submits his requests for charge and jury instructions:

**Introductory Charges: (Understanding From the Rules the Court May Use its Own)**

PJI 1:20 Introduction  
PJI 1:21 Review Principles Stated  
PJI 1:22 Falsus in Uno  
PJI 1:24 Return to Courtroom  
PJI 1:25 Consider Testimony/Exhibits  
PJI 1:27 Exclude Sympathy  
PJI 1:28 Conclusion  
PJI 1:29 Alternate Jurors  
PJI 1:36 Impartiality  
PJI 1:37 Jury Function  
PJI 1:38 Court’s Function  
PJI 1:39 No Inference from Rulings  
PJI 1:40 Consider Only Competent Evidence  
PJI 1:41 Weighing Testimony  
[\*PJI 1:60 General Instruction- Burden of Proof –  
NOTE the Court should use this instead of PJI 1:23\*]  
PJI 1:70 Circumstantial Evidence  
PJI 1:75 Failure to Produce Witness in General

**PJI 1:90 Expert Witnesses:**

PJI 1:91 General Instruction - Interested Witnesses – Generally  
PJI 1:94 General Instruction - Use of Pre-Trial Deposition Upon Trial  
PJI 1:97 Special Verdict-General Instruction  
PJI 1:103 Note taking by Jurors

**Liability:**

*Special Instruction on Collateral Estoppel:* The Court has determined that Defendants Anderson and Greyhound were negligent and are 100% liable to Plaintiff for this accident

**Damages:**

PJI 2:277 Damages Generally  
PJI 2:277A Comments by Counsel  
PJI 2:280 Pain and Suffering  
PJI 2:280.1 Loss of Enjoyment of Life  
PJI 2:280.2 No Taxes  
PJI 2:281 Damages-Permanence-Future Life Expectancy Tables (41.4 years)  
PJI 2:284 Shock, Emotional Distress  
PJI 2:285 (Medical) Expenses Incurred

Special Instruction required on PTSD Claim

**Punitive Damages:**

*Special Instruction:* The Court has determined that Defendants Anderson and Greyhound demonstrated outrageous and reckless conduct in causing this accident and are 100% liable for punitive damages to the Plaintiff in this case

**PLAINTIFF RESERVES THE RIGHT TO SUPPLEMENT THIS REQUEST FOR CHARGE UPON FURTHER REVIEW OF THE PJI AND MODEL INSTRUCTIONS AND IN CONSIDERING THE EVIDENCE THAT IS ADMITTED AT TRIAL**

Dated: April 5, 2018

**MCELFISH LAW FIRM**

/s/ Raymond McElfish  
By: Raymond D. McElfish, Esq.  
Jamie Diamond, Esq.  
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**CERTIFICATE OF SERVICE**

I Michelle Healy hereby certify that on April 6, 2018, the foregoing **PLAINTIFF'S REQUESTS FOR CHARGE AND JURY INSTRUCTIONS** were filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Eastern District's Local Rules, and/or the Eastern District's Rules on Electronic Service upon all counsel of record via ECF. I hereby certify that I have served all counsel of record in the manner authorized by the Federal Rules of Civil Procedure 5(b)(2).

/s/ Michelle Healy